

Application No. 09/696,754

Attorney Docket No.: 26119-136C US1

REMARKS/ARGUMENTS

Claims 1-12 and 59-75 are pending in the above-identified patent application. Of those, claims 11 and 68-75 have been withdrawn from consideration. Claims 11 and 68-75 are herein canceled. Applicants herein amend claims 1, 59, 60, and 64 and add claims 76-87 to more particularly point out and distinctly claim the subject matter which Applicants regard as his invention. Reconsideration is respectfully requested.

I. The Rejection of the Claims under 35 U.S.C. § 112

Claims 59, 60, and 64 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With respect to claims 59 and 60, claims 59 and 60 are herein amended to clarify that a second portion of content descriptors including bundle descriptors is different from the first portion of content attribute descriptors. With respect to claim 64, claim 64 is amended to break down the claim into steps.

Applicants are not of the opinion that the amendments to claims 59, 60, and 64 are narrowing amendments. Applicants respectfully submit that claim 59, 60, and 64 satisfy the requirements under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection with respect to claims 59, 60, and 64.

II. The Rejection of the Claims under 35 U.S.C. § 103

Claims 1, 6, 9, 10, 12, and 65 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowman U.S. Patent No. 6,601,234 ("Bowman-'234") and Bowman U.S. Patent No. 6,640,244 ("Bowman-'244"). Claims 2, 3, 4, 6, 7, 8, 61, 62, 63, 66, and 67 are rejected

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under 35 U.S.C. § 103(a) as being unpatentable over Bowman-'234 and Bowman-'244 in further view of Milsted et al. U.S. Patent No. 6,345,256 ("Milsted"). Applicants respectfully traverse these rejections.

Applicants wish to point out that Bowman-'234 and Bowman-'244 were both filed on August 31, 1999 and have substantially similar specifications. For example, the Examiner admits that Bowman-'234 "does not disclose deriving traffic statistics for the step of distributing based on values for the content attribute descriptors." However, the Examiner makes up this deficiency with the disclosure on column 200, lines 43-44 in Bowman-'244. The same disclosure is found in Bowman-'234 at column 200, lines 1-2. Applicants believe this was a mistake and request further clarification in the next communication.

Generally speaking, Applicants' invention, as defined by independent claim 1, is directed towards a networked commercial interaction management method. As amended, independent claim 1 states the following combination of features:

A networked commercial interaction management method,
comprising the steps of:

distributing information bundles from different ones of a first plurality of different networked users to different ones of a second plurality of different networked users according to a machine-readable format that includes values for a plurality of content attribute descriptors, a portion of said content attribute descriptors including business language definition descriptors that specify the descriptive metadata of each of the information bundles; and

deriving traffic statistics for the step of distributing based on values for the content attribute descriptors.

Common to all of Applicants' claims are Applicants' features, in combination, of "distributing information bundles from different ones of a first plurality of different networked users to different ones of a second plurality of different networked users according to a machine-

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readable format that includes values for a plurality of content attribute descriptors,” where the content attribute descriptors include business language definition descriptors (“BLDs”) that “specify the descriptive metadata of each of the information bundles.” (see, e.g., Applicants’ specification, page 6).

In rejecting independent claim 1, the Examiner cites portions of Bowman-‘234 that merely disclose data of message sent from a sending system to a receiving system, where the data is translated based on metadata. In particular, the Bowman references describe creating a stream that contains message data and metadata and using a message language to read the formatting information and metadata off of the stream. Contrary to the Examiner’s contentions, the Examiner has failed to show where business language definition descriptors that specify the descriptive metadata of each of the information bundles is shown in either of the Bowman references.

In addition, neither of the Bowman references show or suggest “deriving traffic statistics for the step of distributing based on values for the content attribute descriptors.” The Examiner cites a portion of Bowman that merely states that “attribute values may be obtained for auditing or rollback purposes” (Bowman-‘244, column 200, lines 43-44). However, the Examiner has not pointed out where the Bowman references show that traffic statistics are derived based on the values for the content attribute descriptors.

Accordingly, neither Bowman-‘234 nor Bowman-‘244 show or suggest “distributing information bundles . . . according to a machine-readable format that includes values for a plurality of content attribute descriptors, a portion of said content attribute descriptors including business language definition descriptors that specify the descriptive metadata of each of the information bundles” or “deriving traffic statistics for the step of distributing based on values for

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the content attribute descriptors," as recited in combination with the remaining elements of independent claim 1.

Thus, for at least the reasons set forth above, neither Bowman-'234 nor Bowman-'244 show or suggest all the claimed feature of Applicants' invention claimed in amended independent claim 1. Therefore, Applicants respectfully submit that independent claim 1 and dependent claims 2-10, 12, and 59-67, which depend from independent claim 1, are allowable over Bowman-'234 and Bowman-'244. Accordingly, Applicants request that the rejection of the claims should be withdrawn.

III. New Claim 76-87

Applicants respectfully submit that, for at least the reasons set forth above, Applicants' invention defined by claim 76 is not disclosed by any of the prior art cited by the Examiner. For at least the foregoing reasons, Applicants respectfully submit that claim 76 and dependent claims 77-87, which depend from independent claim 76, are allowable over the cited prior art.

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CONCLUSION

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicants reserve the right to pursue the original subject matter recited in the present claims in a continuation application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicants' best attempt at providing one or more definitions of what the Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicants are seeking for this application. Therefore, no

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estoppel should be presumed, and Applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents.

Further, Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintain the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

For all the reasons advanced above, Applicants respectfully submit that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicants respectfully submit that the Application is in condition for allowance, and that such action is earnestly solicited.

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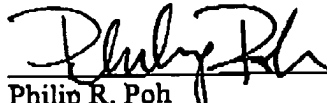

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

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